



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

APRIL 25, 2006

PRESENT: Acevedo, Koepp-Baker, Davenport, Escobar, Lyle, Mueller

ABSENT: Benich

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Marlatt, Deputy Director Public Works (DDPW) Bjarke, Senior Civil Engineer (SCE) Creer, Senior Civil Engineer (SCE) Julie Behzad, and Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7:02 p.m., as he led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

MINUTES:

DECEMBER 13,
2005

THE DECEMBER 13, 2005 MINUTES WILL BE CONSIDERED AT A FUTURE TIME.

APRIL 11,
2006

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE APRIL 11, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 4, paragraph 3 (add):: LYLE;

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.

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PUBLIC HEARING:

**1) GPA-06-01/
ZA-06-02:
LAUREL-TRADER
JOE'S** Request to amend the General Plan land use designation from Multi-family Low (5-14 units/acres) to Commercial, and rezoning from R-2 3,500 to CG (General Commercial), and a Site Review approval for an approximately 13,500 sf. specialty grocery store to be located on a 2.66-acre parcel adjacent to and northerly of the Laurel Rd/Walnut Grove Dr. intersection . (APN 726-43-006)

SP Marlatt presented the staff report, noting that last January, the Business Assistance and Housing Services Department (BAHS) filed the applications to facilitate construction of a *Trader Joe's* store on the parcel. SP Marlatt continued by describing the location of the subject property and the surrounding land uses. Also described were the General Plan goals and policies to be considered if changes to be achieved in the land use designation on the property were agreed by the Commissioners. Attention was directed to page 3 (Circulation Element) which delineates future construction of a two-lane connector road from Walnut Grove Drive to Diana Avenue, which has since been constructed to collector street standards. Also, as part of a strategy to attract auto dealers on the parcels to the east, SP Marlatt explained, an option was discussed that would connect Walnut Grove Drive to Diana Avenue between James Lex and Rosemary Lanes skirting the west side of this property. The Trader Joe's site plan preserves this option, as well.

Commissioner Acevedo asked about the buffer between the nearby residential development and this property, noting that on the presented plan, reference is made to 'landscape buffer'. "What kind of buffer is proposed?" he asked. SP Marlatt explained that submitted landscape plans indicate trees in the buffer area. SP Marlatt also told of the 6-foot masonry wall requirement.

Commissioner Acevedo continued by asking if the trees would screen area of the development from the public? [Yes] Commissioners Mueller and Koepp-Baker asked if the plan also included intent to shield light? SP Marlatt indicated that the Zoning Ordinance requires parking lot lights to be shielded and directed away from adjoining residential properties. Also, the height of light standards in the parking lot would only be 15 feet.

Commissioner Mueller raised the issue of truck traffic at night, using a 60-foot truck as an example, saying getting the delivery trucks in alignment would amplify noise and light problems. Chair Lyle noted the staff report did not say anything about noise at 4:00 a.m. deliveries, which was surprising. SP Marlatt explained the acoustical consultants analyzed distances and advised that with the required construction of the masonry wall, area properties would not experience noise levels exceeding General Plan thresholds.

Chair Lyle opened the public hearing.

Anita Woodson told Commissioners that she lives on James Lick and noted she had also been involved in the auto dealership opposition, as had many of the area residents. Ms. Woodson said that a concern of this development was that it could be a 'stepping stone to continuing/proliferating that type of development'. Ms. Woodson asked why this spot was being considered for a grocery store and not the new development spot near the old

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hospital? Ms. Woodson indicated chief areas of concern:

- deliveries hours (she said she hoped the City will look at this issues, as a big unease to residents in the area)
- installation of a sound wall ("Nice," she said, "but not a deterrent to noise. We can hear trucks going into KFC and Chevron.")
- restriction of delivery hours
- concern that car dealership will be next

Vince Burgos of San Francisco told Commissioners that he was present to represent the landowners and explained that the site was being retained with a lease agreement to Trader Joe's. Mr. Burgos said the owners concurred with the staff report. Responding to questions, Mr. Burgos explained that Realtor John Telfer had handled the arrangements for the property acquisition and lease.

Commissioner Koepp-Baker raised the issue of the location (in proximity to an existing grocery), with PM Rowe explaining that when the City had received the application for construction of Walgreen's, the question had been raised as to the necessity / logic of a fourth pharmacy. "A central location appears to be the key," PM Rowe said, "and the Trader Joe's Corporation views this as a location to serve people." Commissioner Koepp-Baker commented that it appears the new store will basically be trading on traffic to Safeway.

Chair Lyle asked if four o'clock a.m. would be particularly critical to deliveries? Mr. Burgos responded that Trader Joe's is sympathetic to concerns of neighbors and that his belief would be that the Corporation is amiable to work with local residents.

The Commissioners raised the following issues with Mr. Burgos:

- driveway in/out - problems foreseen
- traffic from freeway / to Trader Joe's (no small matter)
- potential need for 'fairly heavy' tree landscaping on northern boundary of property [Mr. Burgos explained that the original intent had been not just a buffer, but also sub-terrain retention]
- probability of extending landscaping onto adjacent properties [Mr. Burgos pointed out if a PUD overlay is placed, there would be a 30-foot minimum landscaping]

Ed Dade, 503 Stone Road, Benicia, informed:

- he is the developer
- representatives met with the Architectural Review Board (ARB) last week
 - presented landscaping plan
 - fence
 - retention pond (40 - 50 ft away from traffic and parking)
- deliveries could be before 9:00 p.m. (store closing time) or after 5:00 a.m. [flexible delivery acceptance schedule] concurred by Gary Nigh, 210 Sage Ave., who works as a manager for Trader Joe's
- intention of having a subterranean loading dock
- trees and fence will alleviate problems of lights and noise

Chair Lyle explained the concern of a 60-foot delivery truck. Mr. Dade and Mr. Nigh said the delivery trucks are company owned and are generally 48-50-feet. "The design is so

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that egress is made simple,” they explained. Commissioner Mueller ascertained that deliveries are completed on-site and that trucks leaving generally only contain ‘go-backs and/or cardboard, leaving them ‘relatively empty’.

Commissioner Mueller asked if there could be some flexibility on delivery hours? Mr. Nigh reiterated that Trader Joe’s delivers everything in their own trucks and tries to be ‘user friendly’. “If there is a problem with noise, we will deal with it. We would rather not have restrictions now {with Mr. Dade concurring}. I don’t think 9:00 p.m. would be a problem.” He went on to say that “All stores, all cities are different.” Mr. Nigh said he had never seen a refrigeration truck remain at a store overnight, acknowledging such action ‘could be a possibility, but it would be rare’.

Further discussion evolved regarding:

- staff (numbers) in a store at unloading
- unload time (trucks in/out within 15 – 20 minutes)

With no others present to address the matter, the public hearing was closed.

Chair Lyle noted that he had, upon reading the staff report, sent questions to staff regarding several issues with answers being provided.

SCE Creer addressed several issues regarding traffic:

- dual left-hand turns at the north leg of the Walnut Grove/Dunne intersection
- traffic signal phasing

Commissioner Mueller questioned the Initial Study in relation to *public services*, noting he thought it was ‘weak’, as nothing was discussed regarding differences in Police calls between residential and this type of development. “We probably will have more (Police) calls here and I don’t see anything in Initial Study,” he said. Commissioner Mueller continued by saying that the Initial Study did not address anything about the addition of such a large building as it could relate to fire personnel response. Commissioner Mueller said, “While fire is a concern, Police response is of most concern. I also don’t think lighting is well addressed,” Commissioner Mueller said. “I think parking lot lighting should be the same as the surrounding areas.” He called attention that the approval for the car dealership had required very restrictive lighting conditions, much more so than a ‘standard parking lot’. SP Marlatt was directed to review those standards, which staff thought to be 15 – 35-feet.

The Commissioners noted the following concerns:

- truck back-up alarms
- necessity for noise abatement device installation on back up ramps
- option to diffuse noise
- drainage [SCE Creer recalled that the plan shows a pond in the rear of the property but that an underground system could be considered if the area is needed for additional landscaping]
- landscape plan – questions of headlights interference/nuisance to neighbors (SP Marlatt advised that in the initial overview with the ARB, the matter did not come up; he noted that Trader Joe’s will go back to the ARB on May 18)
- line of sight / heights
- potential of raising height of wall (current 6 feet called marginal) [concern that if

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- wall height raised, impact felt on both sides of wall]
- imposition of conditions during site review
- need / desire to mitigated noise for residents
- parking lot and vehicle headlights in winter
- hours of delivery 5:00 a.m. to 9:00 p.m.
- power management (suggestion to turn lights off 30 minutes after closing; if not possible then power management plan for less lighting); security issues with shutting lights down raised
- {requirement} consistency with other projects
- lights in parking lot: 15-feet would be 'ok' (store to return to Planning Commission if problem surface with deliveries times
- restrict deliveries before 5:00 a.m.
- sound reduction materials installed in docking area
- more / better landscaping at north end of property

Chair Lyle determined consensus regarding:

- additional landscaping or higher sound wall at north end of property
- power management plan for energy use reduction
- noise retention installation on dock area, if necessary
- manipulation of delivery times [PM Rowe advised the applicants are 'ok' with 5 a.m. and Chair Lyle saying a later time might be better to coincide with freeway noise increase.]

Commissioner Acevedo led discussion regarding residences bordering the property with and suggesting mitigation for the surrounding residences / vacant property. Chair Lyle pointed out some landscaping would be placed in conjunction with the masonry wall and voiced concern that the Commissioners may be getting too restrictive in efforts to ensure mitigation.

Discussion continued regarding lighting and landscaping, with Chair Lyle suggesting noise as the biggest issue in view of the 5:00 a.m. delivery times.

COMMISSIONER MUELLER MOTIONED TO APPROVE THE MITIGATED NEGATIVE DECLARATION, WITH TWO ADDED CONDITIONS:

- restricting deliveries to 5:00 a.m. – 9:00 p.m.
- noise installation in docking area (if needed)

AND FURTHER TO SEND DIRECTION TO THE ARB REGARDING ADDITIONAL LANDSCAPING AND/OR INCREASED HEIGHT OF THE SOUND WALL AT THE NORTH END OF THE PROPERTY, AND THE NEED FOR A POWER MANAGEMENT PLAN. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT APPLICATION NO. GPA-06-01: LAUREL – CITY OF MORGAN HILL TO AMEND THE GENERAL PLAN LAND USE DESIGNATION FROM MULTI-FAMILY LOW (5-14 UNITS/ACRE) TO COMMERCIAL ON A 2.66-ACRE PARCEL (APN 726-43-006 ADJACENT TO AND NORTHERLY OF THE LAUREL RD./WALNUT GROVE DR.

INTERSECTION. COMMISSIONER ESCOBAR SECONDED THE MOTION, NOTING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.

Commissioner Mueller protested that he didn't like being asked to take action on the Negative Declaration halfway through the public comment period, as further information/objection might be forthcoming. PM Rowe said that because of 'staff time crunch', action was needed by the Commissioners; and if unfavorable information was received it would be considered by the City Council. Commissioner Acevedo reminded that the Planning Commission acts in an advisory capacity - recommending to City Council. "We have spent time studying and discussing the matter, so we should not see it again, the Council can deal with it," he said. Commissioner Mueller argued that because the Commissioners had not heard all potential comments, there could be no knowledge of 'what could come out of the woodwork'. "This is incomplete by State law and it is a disservice to the community not to wait to the end for us to consider it," Commissioner Mueller said.

A FRIENDLY AMENDMENT TO THE PREVIOUS MOTION CONCERNING THE GENERAL PLAN AMENDMENT WAS OFFERED BY COMMISSIONER MUELLER AND ACCEPTED BY COMMISSIONER ESCOBAR TO INCLUDE LANGUAGE IN THE RESOLUTION INDICATING THAT THE RECOMMENDATION TO ADOPT THE NEGATIVE DECLARATION WAS CONDITIONAL UPON NO NEGATIVE COMMENTS BEING RECEIVED DURING THE COMMENT PERIOD. THE AMENDMENT TO THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO; ABSTAIN: NONE; ABSENT: BENICH.

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO PRESENT A RESOLUTION RECOMMENDING APPROVAL OF ZONING AMENDMENT APPLICATION ZA-06-02: LAUREL – CITY OF MORGAN HILL TO AMEND THE ZONING DESIGNATION FROM R-2 3,500 (MEDIUM DENSITY RESIDENTIAL) TO GC (GENERAL COMMERCIAL) ON A 2.66-ACE PARCEL (APN 726-43-006) ADJACENT TO AND NORTHERLY OF THE LAUREL RD./WALNUT GROVE DR. INTERSECTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS AND ADDITIONAL LANGUAGE INDICATING THAT THE RECOMMENDATION TO ADOPT THE NEGATIVE DECLARATION WAS CONDITIONAL UPON NO NEGATIVE COMMENTS BEING RECEIVED DURING THE COMMENT PERIOD. THE AMENDMENT TO THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: ACEVEDO; ABSTAIN: NONE; ABSENT: BENICH.

Due to the potential for conflict of interest because of his employment, Commissioner Escobar was excused at 7:55 p.m.

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**2) REVIEW OF
FY 06/07–FY 10/11
CAPITAL
IMPROVEMENTS
PROGRAM (CIP)
FOR
CONSISTENCY
WITH GENERAL
PLAN**

Request for review of the draft Five-Year Capital Improvements Program (CIP) for consistency with the Adopted 2001 General Plan.

DDPW Bjarke presented the staff report, explaining this review of the 5-year CIP covers Fiscal Year 2006-07 through 2010-11 and is a planning tool for expenditures for the Public Works Department for the upcoming year. DDPW Bjarke said the document (CIP) reflects the implementation of the RDA visioning projects, the 2001 General Plan Amendment, and the parks, water, sewer, storm drain, bicycle (paths), and fire master plans of the City. DDPW Bjarke noticed that Julie Behzad was in attendance, telling the Commissioners she manages the Capital Public Works Program. DDPW Bjarke said the presentation this evening would assist the Department in upfront planning and visualizing. DDPW Bjarke said he was present to make known the plan for the next fiscal year and solicit comments from the Commissioners to forward to the City Council.

DDPW Bjarke addressed the proposed financing (\$132,574,000) for six categories:

- parks (the Parks and Recreation Advisory Committee had previously provided comments and recommendations regarding this section of the CIP, which DDPW Bjarke shared with the Commissioners)
- public facilities
- sanitary sewer
- storm drainage
- streets
- water

DDPW Bjarke then provided an overview of each of the categories and explained those projects previously completed and planned for the upcoming year.

Regarding Parks, the Commissioners noted special interest in:

- sports complex revised to focus more on youth needs (addition of artificial turf, 2 fields, plus lighting and fencing)
- changes to Llagas Creek Trail [environmental work completed; grant will expire if work not on-going]
- right-of-way acquisition problems for wildlife trail
- skateboard park expected to be build in next FY
- completion of Community Park Master Plan
- if no further CDBG funding, use of Redevelopment Agency monies

Commissioner Mueller commented that:

- 1) City still 26 acres behind (have been stuck in low 4-acres per 1000 residents for years) [noted as a concern of all the Commissioners present]
- 2) distress that *recreation lands* are still being considered as ‘parks’; attention was called to General Plan policy #18c which states the City requires 5-acres of park land for each 1,000 population, indicating that at present the City is well over 20-acres behind in parkland acquisition and dedication.

Commissioner Mueller expressed strong disagreement with the Parks and Recreation Advisory Committee which says buy, but not build parks. He said he agreed that the outdoor center was needed, but disagreed with deferring all park building until completion of that facility.

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Commissioner Acevedo questioned the viability of having a calculation which includes parking lots in the parklands. "Parking lots are not a recreation area," he declared. "I think parking should be subtracted out, as it is not part of parkland." Discussion revealed uncertainty that such practice is a City policy. The Commissioners agreed it could be accounting practice which needs investigation.

Other discussion included:

- purchase of park land adjacent to the Aquatics Center
- VTA grant funding: probable disappearance / how much / when
- need to obligate City matching funds for Bicycle Plan (design and construction phases);
- Commissioner Koepp-Baker suggested investigating Prop. 40 money use
- need to include Dog Park in CIP

Chair Lyle cautioned that there is need to show consistency with the General Plan and that the question is: whether the City is making sufficient progress in obtaining and building parks. The Commissioners agreed, but cited maintenance is the issue. It was noted that a building where payment is required for admittance is not a park – the question is: should such facilities be netted out of the equation?

Commissioner Mueller repeated an annual request for multi-year projects' expenditures to be shown in the first column of the report table, clarifying that he was again asking for aggregate project expenditure to date.

Commissioner Acevedo called attention to the projected corporate support for funding the Aquatic Center, saying that plan needs to be revisited at the earliest possible date.

Under the topic of Public Facilities, considerable discussion transpired regarding a fire station and included:

- impact fees
- cost projections for construction
- staffing cost estimates
- lack of action for a new fire station (this issue to be a #1 priority)

Other items of interest in the CIP were:

- sanitary sewer need for work on trunk line
- storm drains detention basin end of line working with property owners to obtain space
- need to increase funding of and work on PL566
 - o DDPW Bjarke explained the work currently in progress and the importance of the program to the City
 - o during discussion, it was noted several times that this issue needs to receive high priority
 - o DDPW Bjarke noted that this is not a City funded project
 - o Commissioners said some City monies may be needed in a show of 'good faith effort'
 - o Commissioner Mueller reminded of the work planned for downtown and the need for coverage by PL566 for the City
- change in Butterfield alignment - traffic signal placement and u-turn possibilities
- interconnect conduit tells of synchronization in various areas (conduit in ground)

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- effects of in-place traffic calming
- street extensions
- parking in the downtown area
 - o considerable discussion of a parking structure versus parking stalls in a lot
- Murphy Avenue Corridor Study (termed 'stagnant' and waiting for conclusion of the Industrial Land Study - thought to be completed at end of this calendar year)

Regarding the water category of the CIP, DDPW Bjarke advised Public Works is working with Rocke Garcia to identify a well site. Discussion ensued regarding Mr. Garcia's commitment to providing a well site to the City as a condition of recent a zoning change to his property. DDPW Bjarke told of the need to find a well site on the Westside which would be more beneficial to the City rather than at a location near Mr. Garcia's property.

Chair Lyle opened, then closed the public hearing, as there were no persons present to address the matter.

Commissioner Davenport announced his intent to vote no on the CIP as presented for the following reasons:

- 1) lack of information regarding the financial history of the categories [it was clarified that the only concern of the Commissioners would be findings of consistency with the General Plan]
- 2) no metrics to illustrate consistency with or performance to the General Plan

DDPW Bjarke said the Public Works Department would like to respond to specific examples of dissent if the Commissioners disagreed with the CIP as presented. Commissioner Mueller responded, citing: parks, fire, parking concerns. It was noted that as to the Storm Drain Plan, consistency was lacking, but there had always been an assumption that something need to be done about flooding downtown which would require enhancement to PL566.

Chair Lyle proclaimed that a separate motion might be needed to deal with all the issues raised.

Commissioner Acevedo clarified that the Commissioners must show the ability and intent to meet the requirements of the General Plan when voting affirmatively on the CIP. Chair Lyle added there is need to show progress. "We are showing progress," Commissioner Acevedo said, "just not enough progress." Chair Lyle countered that with the information submitted in the CIP, it is difficult to ascertain the level of progress. He said, "This plan may not address the needs of the General Plan." Commissioner Acevedo continued by saying, "The City must be fiscally responsible and we only have so much money to work with."

Commissioner Mueller indicated his recommendation that the Commissioners focus on a single-year expenditure of the five-year CIP viability plan. "Here is where we are if deficient and within five years we need to study the program which we can say we are working toward and doing it with consistency," Commissioner Mueller stated, noting that a five-year visibility, but one-year expenditures causes a need to address an issue, but Does not create consistency.

Other Commissioners shared concerns of voting affirmatively on the CIP as presented in view of the lack of information of project(s) spending to-date and the need for consistency, as well as attempting to meet the requirements of the General Plan.

Commissioner Koepp-Baker spoke on fire issues not being addressed and advised that police and fire apprehension should cause strong viewing of the service provision for residents/homeowners.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, RECOMMENDING APPROVAL OF THE CIP FOR FY 2006-07 - NOT 2006-11; AND ADDING

SECTION 4:

**parkland attainment and fire station acquisition and development criteria shall be developed, as the proposed CIP fails to meet the requirements of the 2001 General Plan
and**

SECTION 5: inclusion into the CIP shall be had for

- a downtown parking structure**
- the Murphy Avenue Plan**
- emphasis on local funding arrangement(s) for PL 566 to meet future needs critical to the City**

COMMISSIONER ACEVEDO noted that his own priorities were different; Commissioner **ACEVEDO SECONDED THE MOTION** 'anyway'. Under discussion, Commissioner Mueller explained that park and fire needs to be funded for consistency.

Commissioner Koepp-Baker commented that she would vote for the CIP only on an assurance there would be some movement for fire within the year.

Chair Lyle questioned the impact of a motion for 1-year and not 5-years as proposed by Public Works. DDPW Bjarke said the impact was unknown. Commissioner Mueller explained that there probably would not be much of an impact, but felt that the Planning Commission should send a strong message to the City Council.

Commissioner Koepp-Baker noted it is important to recognize the Public Works Department is doing the work, but the City is not meeting what she feels is the letter of the law of the requirements of the General Plan.

THE MOTION CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MUELLER; NOES: DAVENPORT; ABSTAIN: NONE; ABSENT: BENICH, ESCOBAR

Commissioner Escobar rejoined the meeting 9:40 p.m.

**3) RDCS
QUARTERLY
REPORT**

PM Rowe gave the staff report, saying the RDCS Quarterly Report is required for presentation by Section 18.78.150 of the Municipal Code for review of the progress of the approved projects, then make recommendations to the City Council regarding potential return of building allotments, should any of the projects fall in serious arrears.

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PM Rowe noted that some of the current projects have fallen slightly behind, attributing that to both environmental processes and a cooled-down market. Responding to a question of any projects in the 'slightly behind' category, PM Rowe said at this time none were of ultimate concern. Only MMC-04-01 (E. Dunne – Kruse), explained PM Rowe, is in need of a geotechnical report from the applicant which must be received by the end of the current week to start the environmental process and that appears to be on track.

Chair Lyle commented that he thought the report was accurate, with many projects waiting for environmental completion. "Comparing the numbers to a year ago, we're way behind on projects," he said, noting several that should have been completed a year ago.

Reacting to Chair Lyle's statements, Commissioner Koepp-Baker asked if any common variables keep 'popping up'? Chair opined that there seems to be some inaction by PG&E, the attached dwellings issue played a part, but of highest order was increase in applicant inactivity which remains unaddressed. Chair Lyle also said, "We haven't even seen the effects of a slow down in the market."

PM Rowe announced that since the last report, RDSCS projects have secured 11 additional building permits, and completed construction of 80 homes.

COMMISSIONERS MUELLER/ DAVENPORT MOTIONED APPROVAL OF THE RDSCS QUARTERLY REPORT AND DIRECTED STAFF TO FORWARD THE DOCUMENT TO THE CITY COUNCIL. THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; BENICH WAS ABSENT.

**4) MULTI-FAMILY
VACANCY
REPORT**

Regarding the status of the Housing Element and where the City is against the stated housing requirement. PM Rowe indicated he has been added to the team working on the Housing Element, which now has a completion date of the third week in November.

PM Rowe presented the staff report, giving the background of the agenda item. Brief discussion followed with the Commissioners noting annual vacancy rate comparisons and rental amounts (range) per unit.

COMMISSIONERS MUELLER/ ESCOBAR MOTIONED TO APPROVE THE REPORT AS SUBMITTED AND FORWARD THE MULTI-FAMILY VACANCY REPORT TO THE CITY COUNCIL. THE MOTION PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: BENICH.

ANNOUNCEMENTS: PM Rowe advised that beginning Monday, May 1; the entrance door used for the Commission meetings would not be accessible for the next three months as part of the new library construction. He reminded that enhancements have been made to the web site for accessing agendas and said the Commissioners packets would be available before

5:00 p.m. on the Friday preceding the next meeting at the Planning Department counter.

PM Rowe reminded that reservations were necessary for the Saturday meeting of the Community Conservations, which is scheduled for 9:00 a.m. to 1:00 p.m.

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At the City Council meeting of April 19, approval was given to the Development Agreement: Cochrane – Borello. Furthermore, the Circulation Element for the Madrone Parkway At-Grade Railroad Crossing was adopted.

ADJOURNMENT: As there was no further business to come before the Planning Commission on this day, Chair Lyle adjourned the meeting at 9:49 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk